

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HUYNH AHN TRAN, et al.,

Plaintiffs,

v.

THE CITY OF BATTLEGROUND,  
WASHINGTON,

Defendant.

CASE NO. C15-5472 BHS

ORDER DENYING PLAINTIFFS'  
MOTION TO REMAND

This matter comes before the Court on Plaintiffs Gary L. Howell, Beth L. Romig, Mark R. Romig, and Huynh Ahn Tran's ("Plaintiffs") motion to remand (Dkt. 9). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

**I. PROCEDURAL HISTORY**

On June 11, 2015, Plaintiffs filed a complaint against Defendant City of Battleground ("City") in Clark County Superior Court for the state of Washington. Dkt. 2 at 5–16.

1 On July 8, 2015, the City removed the matter to this Court. Dkt. 1.

2 On July 29, 2015, Plaintiffs filed a motion to remand. Dkt. 9. On August 17,  
3 2015, the City responded. Dkt. 11. Plaintiffs did not reply.

## 4 II. DISCUSSION

5 In this case, Plaintiffs request that the Court remand the matter under 28 U.S.C. §  
6 1441(c), the *Younger* abstention doctrine, or the *Pullman* abstention doctrine or decline to  
7 exercise supplemental jurisdiction over the state law claims. Dkt. 9. With regard to  
8 section 1441, the City is correct that Plaintiffs relied on an outdated version of the statute  
9 and that the current version favors resolving federal claims in federal court. Dkt. 11 at 4–  
10 6. Therefore, the Court denies Plaintiffs’ motion on this issue.

11 With regard to abstention, neither *Younger* nor *Pullman* is appropriate in this  
12 matter. *Younger* abstention requires a parallel state court proceeding and there is not  
13 such a proceeding in this case. *Pullman* abstention requires, among other things, “a  
14 sensitive area of social policy upon which the federal courts ought not to enter . . . .”  
15 *Pearl Inv. Co. v. City & Cnty. of San Francisco*, 774 F.2d 1460, 1463 (9th Cir. 1985).  
16 Plaintiffs fail to show that this case involves such a unique issue because Plaintiffs are  
17 simply requesting damages for the unauthorized taking of their property. There are no  
18 claims for specific performance or challenge to the United States Army Corps of  
19 Engineer’s decision regarding filling of the wetlands in question. Therefore, the Court  
20 denies Plaintiffs’ motion on this issue.

21 Finally, Plaintiffs’ strongest argument is the Court’s exercise of supplemental  
22 jurisdiction. Plaintiffs, however, fail to show that the state law claims are either complex

1 or predominate over the federal claims in this case. If, over the course of this proceeding,  
2 it appears to either the parties or the Court that the state law claims are novel, complex, or  
3 predominating over the federal claims, then the Court may decline supplemental  
4 jurisdiction. But, at this time, Plaintiffs have failed to make that showing.

5 **III. ORDER**

6 Therefore, it is hereby **ORDERED** that Plaintiffs' motion to remand (Dkt. 9) is  
7 **DENIED**.

8 Dated this 2<sup>nd</sup> day of September, 2015.

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BENJAMIN H. SETTLE  
United States District Judge